



THE ATTORNEY GENERAL OF TEXAS

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March 14, 1974

The Honorable Wilson E. Speir
Director
Texas Department of Public Safety
5805 N. Lamar Blvd.
Box 4087
Austin, Texas 78773

Opinion No. H- 256

Re: Whether salary increases
for 5-years continuous
service may be paid
from funds for "federal
grant financed programs"

Dear Mr. Speir:

The General Appropriations Act for fiscal years 1974-1975, (Acts 1973, 63rd Leg., ch. 659, p. 1786 at 2191) states that employees classified in salary groups 2-7 and having five years or more continuous service shall be paid longevity increases. You ask whether these longevity increases can be paid out of the funds made available to the Department of Public Safety in item 16 of its appropriations for fiscal years 1974-1975.

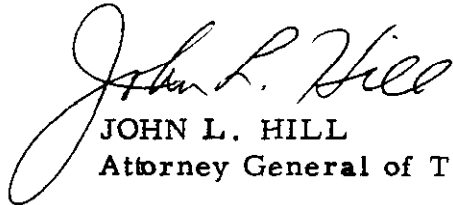
Item 16 appropriates funds to be used for "Federal Grant Financed Programs." Appropriations Act, supra, p. 2026. You advise that the federally financed programs to which item 16 refers provide for the payment of salaries to Department employees classified in salary groups 2-7 and specifically include funds for the payment of longevity increases to them.

The Salary Provisions of the Appropriations Act, at p. 2191, in §1a(1) state that generally longevity increases are to be paid from those items designated as such. But added to this statement is the following sentence: "In those instances where lump sum appropriations contain salaries, agencies may use funds from those items when the designation [sic] longevity increases are included therein." Item 16 is a lump sum appropriation for federally financed programs which contain not only salaries but also longevity increases. Therefore, the funds it makes available to the Department can be used for payment of the longevity increases to which employees classified in salary groups 2-7 have become entitled by virtue of five years service or more.

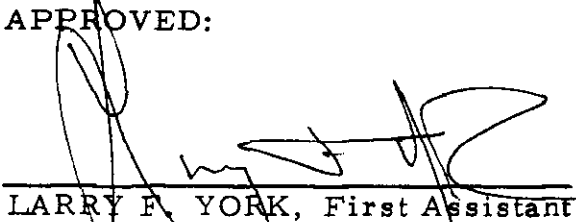
SUMMARY

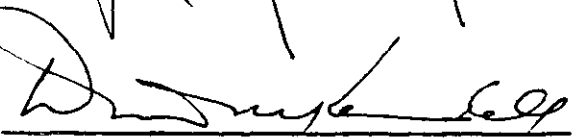
Funds appropriated to the Department of Public Safety for "Federal Grant Financed Programs" can be used for the payment of longevity increases if the programs themselves cover the payment of such increases.

Very truly yours,


JOHN L. HILL
Attorney General of Texas

APPROVED:


LARRY F. YORK, First Assistant


DAVID M. KENDALL, Chairman
Opinion Committee